CASE WW/3-22355/A/PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PCT NATIONAL STAGE APPLICATION OF
TONY WHITTAKER ET AL.
INTERNATIONAL APPLICATION NO. PCT/EP 05/002077
FILED: February 28, 2005
FOR: DEWATERING PROCESS
U.S. APPLICATION NO:10/591,777
35 USC 371 DATE: September 6, 2006

Group Art Unit: 1797
Examiner: Hruskocl, Peter A.

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 1.132

I, Tony Whittaker, a citizen of the United Kingdom and a resident of Bradford, West Yorkshire, England, hereby declare:

That I was awarded the Higher National Diploma in Chemistry by Sheffield City Polytechnic, Sheffield, South Yorkshire, England, in 1978.

That I have been engaged in the research, development and application of water soluble flocculants in the area of solid-liquid separation for Ciba Specialty Chemicals Water Treatment Ltd. since 1979 ;

That I am the inventor of U.S. Patent Application No. 10/591,777.

Terms Brookfield Viscosity and Intrinsic Viscosity

Examiner believes the value for the "Brookfield viscosity" as claimed in claim 1 and the value for the "intrinsic viscosity" in claims 9, 10 and 17 to be misdescriptive because the Brookfield viscosity recited in claim 1 would appear to have larger intrinsic viscosities.

The Brookfield viscosity (BV) cited in claim 1, refers to a minimum viscosity of the second polymer measured at 20 C, RVT, spindle 6 and 1 rpm. Note that there is no concentration given for this BV as the concentration necessary to arrive at the specific BV will vary according to the molecular weight and type of polymer. See page 6, lines 4-7. Generally higher molecular weight polymers can be used in lower concentrations than lower molecular weight polymers.

The IV measurements given in claims 9, 10, and 17 are measured at a set concentration as defined on page 9, first paragraph. Thus the IV value can be used to compare viscosities of similar polymers at the same concentration and allows for comparative molecular weight evaluation.

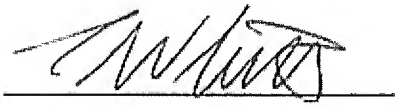
BV and IV are essentially different measurements. A BV of 400,000 cps cannot be directly compared to an IV value. For example, a polymer of IV of 3 dl/g may show a Brookfield viscosity of 400,000 cps at a concentration of 25 wt. %, while a polymer of IV of 6 dl/g may show a Brookfield viscosity of 400,000 cps at a concentration of 15 wt. %.

Discussion of the Brookfield Viscosities of the Second Flocculant (Polymer B) in Table 1, Page 15

Polymer B in Table 1 of the present disclosure has an IV of 5 dl/g (page 13, line 11) but has a Brookfield viscosity of 609,000 cps in data sets 3 and 4 while data sets 1 and 2 have a Brookfield viscosity of lower than 6,000 . Note that the concentration of polymer B in sets 3 and 4 is 20 wt. %. The concentration of polymer B in sets 1 and 2 is 0.25 wt. %. Polymer B has an Intrinsic Viscosity of 5 dl/g but shows very different Brookfield viscosities depending upon the concentration of Polymer B.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed on this day of 8th October, 2009



Tony Whittaker